

OXFORD OBSERVER.

"LOVE ALL, DO WRONG TO NONE, BE CHECK'D FOR SILENCE BUT NEVER TAX'D FOR SPEECH." SHAKESPEARE.

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POLEMICAL.

FROM THE COLOMBIAN STAR.
RIGHT OF SEARCH.

When the rulers of a nation are governed by feeling, whether it be of ambition, pride, or sympathy, the people are in danger. We aver, and we appeal to experience for the proof, that every act of legislation which has been prompted by strong sensibility has made work for repentance. We may indulge in the most laudable sympathies for the South Americans, struggling against the oppressions of a cruel and vindictive parent, but this sympathy should be seasoned by our obligations of duty to this parent. We may feel a most generous pride at the glorious struggle of the Greek, "seeking through blood and slaughter his long lost liberty," but it must be tempered with that prudence, which should guard us against becoming parties to the conflict. We may indeed become generally the zealous friends of all who sigh for the liberties which we enjoy, but we should take special care, that in aiding freedom we do not jeopard our own. If the Turk still grind and immolate the Christian, we are not to fight to relieve him. If the Holy Alliance combine to sustain a detestable despotism, we are not rashly to rush into an unequal and hopeless contest. And if a nation hardened in guilt, and regardless of humanity will seal her infamy by a traffic in human flesh, the United States are not prepared to compromise its peace and prosperity by enforcing upon her those principles of justice which we shall dictate.

But dangerous as we may deem those acts of a government urged and impelled by feeling, it is still more dangerous to the politician who from a sense of duty is compelled to resist them. When public sensibility is excited, many who care nothing for the principle will make it a pretext for their own advancement. It calists, at once, the best and worst principles of the human heart. Men may very honestly engage in an indiscreet philanthropy and they are sure to be joined in their career by the worst spirits of the age. Ambition, jealousy, malignity and revenge will fall into the train and a combination of the weak and wicked may force a nation to destruction.

Should a member of Congress, last winter, from whatever motives, have been disposed to arraign the minority in the Senate who opposed the British Convention which conceded the right of search to prevent the slave trade, his rights were very fair. The President had negotiated that Convention and was strongly in its favor. As the constitution requires a majority of two thirds, to ratify a treaty, and the amendments with few exceptions were made by a minority in fact, these had assumed a responsibility which it would be difficult to defend. These amendments had defeated the Convention. It was pretended that this concession had been made by the President on the recommendation of the House of Representatives. Although a mere majority could not ratify a treaty, yet they could remove the injunction of secrecy which exposed the names of this efficient minority. As all executive duties are confidential, this minority had no means of giving the public their reasons. A new President was to be elected, the terms of office of the Senate were to expire on the third of March, and their places were to be supplied by new elections. The President had, by an extraordinary message, submitted the subject of difference between him and this minority, to Congress, and it was expected that the House, as the Representatives of the people, would express an opinion. It was known that the Colombian Convention had made a like concession and it was expected, as a precedent, that the same question would be presented to the new Senate by the President.

In this view of events, a member of the House of Representatives, who wished to instruct his constituents, or who was governed by motives of personal popularity, had at least, a flattering prospect before him. Whether the writer in "the Observer" took this full view of the subject, or was governed by the purest motives of patriotism, it is impossible for any one to know but himself. His views were selfish, a reverse had taken place in the aspect of affairs which must have operated as a serious check.

Mr. Adams was elected President. Whatever some might have thought of his opinion on this question, it is now clearly ascertained that he is opposed to the concession. The House of Representatives, to whom Mr. Monroe made the appeal, refused to take up the subject. Seventeen Senators were to be elected, including one from Virginia to fill a vacancy occasioned by death. Of these, fourteen were returned, and three States having failed to elect. Of the fourteen, five were re-elected, four of whom were opposed to the British Convention. Of the nine new members one was absent, two were in favor of the concession and six against it, although the predecessors of five out of the six had voted for the concession in the British Convention. So that of the thirteen members recently elected, three only were for and ten against the surrender of the right of search. Of the old members, many changed their opinion and the actual minority on the British, was in the case of the Colombian Convention converted into a majority of twenty-nine to twelve. Four States, Vermont, Connecticut, Delaware, and Missouri were in the affirmative. Fifteen, New Hampshire, Maine, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Indiana, Louisiana, Illinois, Mississippi, and Alabama in the negative and five, Massachusetts, Rhode Island, Pennsylvania, Ohio and Tennessee were divided. The four States that voted affirmatively are entitled to thirteen representatives, only out of one hundred and thirteen, and three of the four have little commerce and few or no sailors. The minority on the British Convention had been arraigned in newspapers of great respectability and coverage. The public attention had been called to the question, and so far as the recent elections are evidence,

it is most manifest that a concession of the right of search is unpopular. By this historical view it would seem that however clear the prospect at first, this writer has kept himself in a very lean minority and it will perhaps require all his personal influence and popularity to place it on as good footing as when he began.

This cannot be effected by an appeal to the passions. Beyond his sphere of personal influence this would go for nothing. It was indeed not to have been expected this representative should be able to do more than, finding the Senators of this State in a critical minority, to write them down. To make an impression upon the Union, would require an advanced standing and a commanding influence to which his modesty would not aspire. There must be something palpably and radically wrong in the administration of the Government to authorize a reasonable expectation that such a majority would be put down by such means. The evil, the calamity, the misery, the disgrace and degradation must be proved by something more than mere assertion of a visionary theorist, to bring about a revolution in public opinion, so extraordinary as the case requires.

We have stated and we now repeat that Mr. Adams is opposed to the concession of the right of search for any object whatever. Let his own letter to Mr. Canning of the 24th June be read and the proof is clear or it inevitably follows that he advanced hypocritical sentiments and fallacious arguments. We ascribe to him neither. We give his own words and all he says upon the subject in his letter of June 24th, 1823:

"In the treaties of Great Britain with Spain, Portugal, and the Netherlands for the suppression of the slave trade, heretofore communicated, with the invitations to the United States to enter into similar engagements, three principles were involved, to neither of which the Government of the United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of peace, over merchant vessels, on the coast of Africa."

"The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed, by the introduction of the principle, that neither of them should be exercised, but under the responsibility of the captor, to the tribunals of the captured party, in damages and costs. This guard against the abuses of a power so liable to abuse, would be indispensable; but, if the provisions necessary for securing effectually its practical operation, would reduce the right itself to a power merely nominal, the stipulation of it in a treaty, would serve rather to mark the sacrifice of a great and precious principle, than to attempt the end for which it would be given up."

"In the objections heretofore disclosed to the concession desired, of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this country, and of those to whom its interests are entrusted in the department of its Government, the sanction of which is required for the ratification of treaties. The irritating tendency of the practice of search, and the inequalities of its probable operation, were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives, or remedies for anticipated abuses, in your letter. But the source and foundation of all these objections, was, in our former correspondence, scarcely mentioned, and never discussed. They consist in the nature of the right of search, at sea, which, as recognized or tolerated by the usage of nations, is a right exclusively of war, never exercised, but by an outrage upon the rights of peace. It is an act analogous to that of searching the dwelling-houses of individuals on the land. The vessel of the navigator is his dwelling-house; and like that, is the sentiment of every people that cherishes the blessings of personal liberty and security, ought to be a sanctuary, inviolable to the land of power, unless upon the most unequivocal public necessity, and under the most rigorous responsibility of the intruder. Search at sea, as recognized by all maritime nations, is confined to the single object of finding and taking contraband of war. By the law of nature, when two nations are in conflict, each has a right, and a duty, to search the vessels of the other, and to seize upon them, and to take them to their own ports, and to use them as they see fit. Each belligerent, indeed, acquires, by war, the right of preventing a third party from administering to his enemy the direct and immediate materials of war; and, as incident to this right, that of searching the merchant vessels of the neutral on the high seas, to find them. Even this, limited, is an act of power, which nothing but necessity can justify, inasmuch as it cannot be exercised, but by carrying the evils of war into the abodes of peace; and, by visiting the innocent with some of the penalties of guilt. Among the modern maritime nations, an usage has crept in, not founded upon the law of nature, never universally admitted, often successfully resisted, and against which, all have occasionally borne testimony, by renouncing it in treaties, or extending this practice of search and seizure, to all the property of the enemy in the vessel of the friend. This practice was, in its origin, evidently an abusive and wrongful extension of the search for contraband; effected by the belligerent, because he was armed; submitted to by the neutral, because he was defenseless; and acquiesced in by his sovereign, for the sake of preserving a remnant of peace, rather than become himself a party to the war. Having thus, occasionally, been practised by all, as belligerents, and submitted to by all as neutrals, it has acquired the force of an usage, which, at the occurrence of every war, the belligerent may enforce or relinquish, and which the neutral may suffer or resist, at their respective options."

"This search for, and seizure of the property of an enemy in the vessel of a friend, is a relief of the barbarous warfare of barbarous ages; the cruel, and, for the most part, now exploded system of private war. As it concerns the enemy himself, it is inconsistent with that mitigated usage of modern wars, which respects the private property of individuals on the land. As relates to the neutral, it is a violation of his natural right to pursue, unobscured, his peaceful commercial intercourse with his friend. Invidious as is its character, in both these aspects, it has other essential characteristics, equally obnoxious. It is an uncontrolled exercise of authority, by a man in arms, over a man without defence; by an officer of one nation, over the citizen of another; by a man intent upon the annoyance of his enemy, responsible for the act of search, to no tribunal, and always prompted to balance the disappointment of a fruitless search, by the abusive exercise of his power, and to punish the neutral, for the very clearness of his neutrality. It is, in short, all the features of unbridled power, stimulated by hostile and unscrupulous passions."

"I forbear to enlarge upon the further extension of this practice, by referring to injuries, which the United States experienced, when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object, which both nations have equally at heart, it is desirable to avoid every topic which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion."

"Such being the view taken of the right of search, as recognized by the law of nations, and exercised by belligerent powers, it is due to candour to state, that my Government has an insuperable objection to its extension by treaty, in any manner whatever, lest it might lead to consequences still more injurious to the United States, and especially in the circumstance alluded to. That the proposed extension would operate in time of peace, and derive its sanction from compact, present no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles of that right, is disapproved. If the freedom of the sea is abridged by compact for any new purpose, the example may lead to other changes. And if its operation is extended to a time of peace, as well as of war, a new system will be commenced for the dominion of the sea, which may eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of peace and of war, and of rights applicable to each state."

"The United States have, on great consideration, thought it most advisable to consider this trade as piracy, and to treat it as such. They have thought that the trade itself might, with great propriety, be placed in that class of offences; and that, by placing it there, we should more effectually accomplish the great object of suppressing the trade, than by any other measure which we could adopt."

"To this measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an offence against the human race, has its well known incidents of capture and punishment by death, by the people and tribunals of every country. By making this trade piratical, it is the nature of the crime which draws after it the necessary consequences of capture and punishment. The United States have done this, by an act of Congress, in relation to themselves. They have also evinced their willingness, and expressed their desire, that the change should become general, by the consent of every other power, whereby it would be made the law of nations. Till then they are bound, by the injunctions of their constitution, to execute it, so far as respects the punishment of their own citizens, by their own tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate to a certain extent, with other powers, to ensure a more complete effect to their respective acts; they placing themselves, severally, on the same ground, by legislative provisions. It is in this spirit, and for this purpose, that I have made to you the proposition under consideration."

"By making the Slave Trade piratical, and attaching to it the punishment, as well as the odium, incident to that crime, it is believed that much has been done by the United States, to suppress it, in their vessels, and by their citizens. If your government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention, and command the respect, of all her European neighbors. It is the opinion of the United States, that no measure, short of that proposed, will accomplish the object so much desired; and it is the earnest desire of my government, that the government of his Britannic Majesty may co-operate in carrying it into effect."

"I pray you, sir, to accept the renewed assurance of my distinguished consideration."

JOHN QUINCY ADAMS.
The Right Hon. STRATFORD CANNING,
Extraordinary and Minister Plenipotentiary from Great Britain."

It will be recollected that the doctrine that an American vessel on the common highway of nations, is the exclusive dominion of the nation, and that it is the asylum or dwelling house of those on board, was once denied by the British and their advocates here. It was contended that when at war they had a right to enter to search for contraband of war, for enemy's property and for their own subjects, that during this search all American jurisdiction was suspended, and that British law was paramount for the purposes of this search. The right to search for and take their own subjects was a principle of natural law, not limited to peace, and extending even to those who had been naturalized by the laws of any other country. The right to search for contraband of war, we admitted, and had defined and regulated it by treaty, both the others we still deny, but neither point has been conceded by Great Britain.

The convention for suppressing the slave trade, though it provided that none of the cargo or crew should be taken away, still reserved all other rights claimed by either party on all other subjects. By this convention you extend her right of invading your dominion to four cases: Two, that of contraband and enemy's property, claimed as belligerent rights; and the others, to take her own subjects, and our supposed slave traders claimed as well in peace as in war. The officer must suspect you before he enters the vessel, for he boards on suspicion. Being on board as of right, his jurisdiction, while he is there, is exclusive and yours is suspended. Being in the lawful possession of your vessel, under a solemn treaty, he finds a British deserter or one he solemnly believes to be such, he does not take him under the slave convention, but having obtained an exclusive authority on board, he, under the law of nations, seizes his man and carries him away.

We ask this writer to find an answer to such a pretension, which would convince not only the injured party, but the aggressors. Great Britain pretending only to the right to take her own subjects from on board our merchant vessels, did by an extension of this right, attack an American frigate, and forcibly take from her a part of her crew. You forbid a person to break your house to arrest his servant, but admit him for another purpose, and when he is lawfully and peaceably there how can you withhold from him his own? You will demonstrate that the convention forbids taking away any persons from on board; Britain replies that this same convention leaves all other rights as they were, and in a lawful search for slaves we found a British subject to whose services we were entitled; the vessel and the man were lawfully in our power and the law of nations authorizes us to detain him. This British subject may however, turn out to be, as was often the case, an American citizen, in the lawful exercise of his rights. He is, for a time, quitting wife and children and all the endearments of social life, to procure a competence for himself and his family. He braves the dangers of storms and tem-

pests, and fears no enemies, for his country is at peace. His vessel is his home, and his traffic is lawful. But, by a concession made in the name of humanity, he is to drag out a miserable existence in a British dungeon. Or he may have had the misfortune to be born within the dominions of a government claiming his perpetual allegiance, and notwithstanding he may have breathed the air of freedom, from the days of his infancy and been united with us by the strongest and tenderest associations, still he is forced back from all that is dear to all that is detestable.

By conceding this right of search in time of peace, we increase the motives to detain and embarrass our commerce. The British view our enterprise with jealousy. They see in us the future rival, not only of their commerce, but of their navy. When they are at war, no matter with whom or what, they must search your vessels for articles of contraband and enemies' property and then, and in time of peace too, they can do it, to regain their own subjects and to see if you are not violating your own laws in a traffic in slaves. They will either suspect you of a contraband, enemies' property, harboring their subjects or engaged in the slave trade. Furnished with this quadruple ground of suspicion, and ever jealous and therefore ready to suspect, they would be furnished with a pretext to board, harass and detain every American merchantman they should meet. A petty, insolent officer, when on board, would begin his interrogations on each of these subjects. The American might in vain inquire the object of his visit. He would set in judgment and order execution on each according to his will, and would afterwards determine for what purpose he had boarded the vessel. Let it be remembered that the right of visit for contraband is by treaty limited and the manner is regulated; that for enemies' property so far as it was once conceded by us, is also to be exercised by prescribed rules. But in this slave convention, it was necessary from the nature of the case to allow the exercise of more force. Consequently a sufficient number may enter on board to prevent the resistance of the crew and secure the vessel. It will therefore be clearly seen; that all the limitations as to the first objects may be evaded, by a pretence that the visit was originally on account of the last.

The British Convention was made on, the express consideration that each of the parties had, by their own laws, made the slave trade piracy and it was unlimited in its duration. A perpetual compact founded on our own act of legislation, put it out of the power of the Legislature to repeal or alter the law without the consent of a foreign government. And although by an amendment of the Senate, it might be rescinded at the discretion of either party, after six months' notice, still this discretion was in the President alone, and in its exercise he had a previous and absolute negative upon any legislation on the subject.

We now recur to an allegation in a former communication, that "a member of Congress had appealed to his constituents against the Senators for not conceding the right of search." This was not uttered in the language of complaint. It was readily admitted that it was the right of every member to make the appeal. But it was matter of surprise that the gentleman should first have denied and then avowed it. Not till after it was proved upon him that he had made the charge, and in the most direct and flagrant terms, that he confessed and attempted to justify it, and denominated it "a fair, dispassionate and respectful exhibition of facts and arguments on the policy they have disapproved." We have read with very little satisfaction, this gentleman's lame apology for making this complaint at home by anonymous communications. Was it indeed delicacy towards a co-ordinate branch of the government, which restrained him in Congress? If the resolution of 1822 really means what this gentleman would pretend, there was no such delicacy then, for this was instructing the President on the terms of a treaty. If the President or Senate mistook the purport of the resolution and the President called the attention of the House to it again, it was a fastidious delicacy, which this writer has now abandoned, to refuse to act for fear of invading the province of the Senate. Indeed it was well known that the Senate did not consider the resolution as requiring a surrender of the right of search. And it is fully understood that the House would never have agreed to such a resolution. The committee on the slave trade have repeatedly urged such a resolution on the House, the proposition was once directly negatived, and they have ever since refused to act on such a proposition. Mr. Adams, in his letter to Mr. Rush, of 24th June, 1823, says, "this resolution had in each case, been the conclusion of a report recommending that the United States should accede to the proposal of a mutual and unqualified concession of the right of search. The sentiments of the committee were in this respect different from those which had been expressed by the executive department of the government in its previous correspondence with Great Britain. No decision, by the House of Representatives was made on these resolutions, proposed at the preceding session; but upon the adoption of that which did pass at the last session, it was well ascertained that the sentiments of the House in regard to the right of search coincided with those of the executive; for they explicitly rejected an amendment which was moved to the resolution and which would have expressed an opinion of the House favorable to the mutual concession of the right of search." Now, after a former House, of which this gentleman was also a member, had explicitly rejected the proposition, to concede the right of search, the President had made the concession which the Senate had rejected, and he had again appealed to the House for a further expression, the committee had reported such expression, and that neither this gentleman, nor any other, should have adduced an argument or even made a motion to take up the subject, is not a little mysterious. The public will determine whether the fear of another vote of disapprobation, which would have taken away all the force of this appeal, was not the real cause of this member's silence and inactivity. Yet we are told there was no time, and he was so averse to speech as that he could not utter one word or make a single effort to redeem the nation from "disgrace and demoralization." Had this gentleman, who has told his constituents that the triumph of moral evil, the sacrifice of social good, full of political enmity and individual misery, and that we were thereby "disgraced and degraded," made an effort equal to the object "to redeem our lost reputation," the public ought to have expected something more than a vague, incoherent, obscure sketch and collection of truth and rumor, false premises and inconsequent deductions. But instead of stepping forth manfully to support his charges, he has found it necessary to retreat and defend

[SEE FOURTH PAGE, FOR CONCLUSION.]

himself—a traitor for him, if we are to judge from the truth is, he is in the wrong. He thought it was popular. Now a strong current against him is rising. We must however, out of respect for so distinguished a character, notice with some particularity, his last communication. If the gentleman finds himself hard pressed he had better yield. Fretting and striving will do him no good. Instead of preserving "specimens" of our reasoning as "natural curiosities" and threatening to speak to us by "the card," he had better keep cool. We had stated that since our acts of piracy had gone into full operation, none of our citizens were engaged in this traffic, and quoted the President's message of last Session. But relying on British authority, this gentleman still clings to a mere declaration of the governor of Sierra Leone, made three years ago, that this traffic was still carried on by renegade European and American traders. To a remark that this declaration did not charge our citizens, he replies, "Who does he mean? possibly the Penobscot Indians, or possibly some of the miners of Mexico and Peru." We speak with deference to one who has had the reputation of an author, but we had been led to believe that there were other Americans than the citizens of the United States, the Penobscot Indians and the miners of Mexico and Peru. We beg pardon, having never written a book, but we had understood there were five or six independent governments in America, besides the United States, that almost every nation in Europe had colonies there, that we did not include more than a third of the American population, that many of the European colonists were lawful slave holders and slave dealers, and that therefore the inhabitants of Guadeloupe, Cuba and even Jamaica might be exclusively comprehended in the accusation of this British Governor. But the gentleman is so determined to defend his friend of Sierra Leone, who we believe is also a military man like himself, that he threatens to answer this remark of ours with his "Card." Now, as it is well ascertained that the "moral and religious people" of Maine are utterly averse to this mode of argument, and as he has chosen a different method of settling the question, we insist that even by the laws of honor we have a right to decline his Card. If he has commenced a conflict which he is unable to maintain, it is his own fault and let him abandon it. As to this gentleman's reply to arguments by denouncing them "natural curiosities," his allusion to their "source," and his recurrence to the late election of President—such things from a gentleman and a scholar carry with them their own condemnation. This last reference might do very well for an early and intemperate partisan whose object is to keep contention alive, but it surely comes with a very ill grace, from a member of Congress, who on this question, has been at all points of the compass, and who did not determine at last, until he had the aid of "a moral force" which made him sure of the strongest side. He is indeed so hard pressed to prove his main point, that this trade cannot be suppressed but by a surrender of an essential right of our independence, that he resorts to the most vague and improbable reports and surmises. An anonymous review of the reports of the Colonization Society gives us to understand that Mr. Mercer stated in Congress, that sometime between 1818 and 1823, "these horrible cargoes were smuggled into the Southern States to a deplorable extent!" The truth is, such evidence would weaken any cause. This gentleman manages his side very badly. There is, no doubt, evidence to be obtained that our citizens have been engaged in this infamous traffic, but the point is, have they been so engaged since the act of 1820 has been in full operation? Our own laws and our own navy must be found insufficient, before we delegate the power to the officer of a foreign government. The President himself has officially told us that by the employment of a single vessel of war, the trade has been effectually suppressed. We call for the proof that he is mistaken. The gentleman is most unfortunate in his illustrations. He inquires whether a man might not "go into his neighbor's enclosure to seize and destroy a ravenous wild beast?" Perhaps he might. But if this wild beast should be disguised to a similitude with the flock, a prudent man would prefer to make the discrimination himself, especially when the inquisitive neighbor had been detected in carrying away the sheep, claiming them as his own or in killing them under a pretext that they were wolves.

He asks if our own officers can arrest a slave trader under a foreign flag? No doubt exists that they can under our acts of piracy, and if they could not, there is perfect safety in giving them the authority. No nation will permit its citizens to commit crimes under a foreign disguise. Every American who violates our laws under a foreign flag, is subject and ought to be subject to our examination, and our officers have a right to suspect the character of a vessel, being always responsible to our government for indulging a groundless suspicion, or practicing needless vexations. But to suppose with this writer, that, if we may do this, we ought to permit it to be done by Great Britain, is an inconsequence which would be unpardonable even in a sophomoric. What can he mean? Are we to indulge a British officer to go any where and do any thing, in the execution of our laws that we could ourselves? How beautiful is that humanity which leads to such humility! We stated that "the whole grievance in the case of impressment consisted in the claim to designate." It is manifest from the phraseology that it was the fair construction of the sentence that all the evils arose from the exercise of this power.—Claiming this, all the abuses of search and detention followed in its train. The gentleman was too young and too visionary at the time of the contest with Great Britain to understand the principal point in controversy and the chief grievance complained of. His criticism is gratuitous and captious and his sensibility for an impressed seaman has too much the appearance of affectation, when he is urging a concession of the right of search, the very means by which so many have been doomed to slavery of the worst description. He even treats the danger to which they would be exposed with an apparent levity. "The concession," he tells us, "would be nothing, absolutely nothing." "Nothing" to be detained on the highway of nations, and your lawful commerce interrupted,

"nothing" that your vessels should be seized by a military force, "nothing" that her crew should be confined, her letters violated and her captain robbed of his command and subjected to insolence and violence of a young lordling of the British navy! Our mariners are not alarmed! And they are in no danger "unless the great national canal from the Winnebiscoe-see, through Squam Pond and thence to Massabesee, in Alfred, should be opened, and sailors become as numerous there as frogs now are." Now if this is intended for illustration, it is not very lucid; if for eloquence, it is not very sublime; if for wit, it is an unfortunate abortion. These are the means to which this unlucky writer resorts, to obscure and confound a serious subject, this is the manner in which he would impose upon the people an erroneous belief that mariners would not object to this degrading concession. It is not true that those interested in commerce would make the concession. On this subject that class are represented in the Senate. Not one member who strictly represented a maritime or mercantile community voted for the Colombian Convention.

That philanthropy which detests and denounces the slave trade as the worst of crimes, is not exclusively his, although he takes much pains to monopolize it. If it is not suppressed, we say suppress it. If means are inadequate, increase them. Navy, army, money, any thing, but a surrender to a foreign power! Prohibit all trade on the slave coasts, and enforce the prohibition by an efficient and rigorous blockade. But never, we repeat, never surrender to a foreign nation the right to execute your laws, to arrest your citizens on a suspicion that they have violated them, or to interfere with the character of the flag of a friendly nation.

Yes, we concur in all the eloquent denunciations of this infamous, barbarous traffic. But all this writer has said has been often repeated, and much better, by others, and even the gentleman himself. In a book said to have been published by the same writer, some six or seven years since, consisting partly of a poem but chiefly of notes historical and explanatory, the same sentiments and feelings were expressed in much better language. Now it is not pretended that it is plagiarism for an author to copy from a previous publication, provided the ideas were originally his own. In case of scarcity it is well enough to work the old stock over again. It is indeed a common stratagem of literary men to republish from their own productions, for the purpose of reviving the recollection of a work, which, in the opinion of the author, has laid too long upon the shelf.

It will perhaps be unnecessary further to trouble the public in justification of an act, done by the constitutional representatives of more than two thirds of the States of the Union—an act which refuses the surrender of an essential attribute of sovereignty, and which goes to prevent the repetition of that vexation and violence which was resisted at the expense of our treasure and our blood. It is unfortunate that the gentleman for whom we entertain a very high respect, should have so unseasonably assumed so much. He has made high charges of encouraging evil, sacrificing good, promoting political calamity and individual misery, and disgracing and degrading the nation. If he believed them, we have proved that he is exceedingly delinquent, in neglecting to avert the fatal calamity. He has proved himself totally in the wrong and utterly inadequate to an examination of the question. We apprehend that the public will find it as difficult to understand him as he does to understand the subject.

*The papers in giving the yeas and nays, gave them 28 to 12. The name of Mr. Marks, of Pennsylvania was omitted, but it is believed that he was present and voted in the negative.

PROBATE COURTS.

STATE OF MAINE.

At a Court of Probate holden at Paris, within and for the County of Oxford, on the fourth Tuesday of April, 1825:

ORDERED: That the Probate Court in the County of Oxford shall, from and after the second Tuesday of June next, be holden at the Probate Office, in Paris, in said County, on the fourth Tuesdays of January and March, the first Tuesday in May, the second Tuesday in June, the fourth Tuesday in August, and the second Tuesday in October—at Waterford, on the first Monday before the third Tuesday in January, and the first Monday before the first Tuesday in August—at Fryeburg, on the third Tuesday in January, and the first Tuesday in August—at Rumford, on the second Tuesday in September—and at Dixfield, in the forenoon, at Canton, in the afternoon, on Wednesday; at Livermore, on Thursday; and at Turner, on Friday, next after the second Monday in September annually, until the further order of Court. And all matters and things now pending in said Court, as now established in said County, shall be continued, have day, and be heard on the day last aforesaid.

BENJAMIN CHANDLER, Judge of Probate.

A true copy, Attest, THOMAS WEBSTER, Register.

N. B. In consequence of the general election for State officers taking place on the second Monday in September, the days for holding the Probate Court at Rumford, Dixfield, Canton, Livermore and Turner, have been altered from the original order of said Court.

COMMISSIONER'S NOTICE.

WE, the subscribers, having been appointed by the Hon. Judge of Probate for the County of Oxford, Commissioners to receive and examine all the claims of the several creditors to the estate of SETH BENSON, late of Paris, in said County, yeoman, deceased, represented insolvent, hereby give notice that six months from this date are allowed to said creditors, to bring in and prove their claims, and that they will meet to attend them for that purpose at the Registry of Deeds Office, in said Paris, on the fourth Saturday of June, July, August, September and October next, from one to five o'clock in the afternoon of each of said days.

ALANSON MELLENS, WILLIAM STEARNS.

Paris, April 26, 1825. Sw 44

ORIGINAL POETRY.

FOR THE OBSERVER.

Haith, Captain Symmes, 'tis said ye'll wander,
By token giv'n from Alexander,
Where northern lights in sports meander
Above the pole,
An' there creep in like blindit gander
Through earth's dark hole.

Begane, nor ghaists nor bogles find
While ye through Russian snows shall wind
And peep into the world behind
To view her wame,
An' spier if men anither kind
Live there at hame.

Ye trow this warld a' Trojan meer,
Filled fou of soldiers armed with spear,
Our outlan' Troy, which thae folks swear
They'll sack and plunder:
Let them through earth's back door appear
What wofu wonder.

When, Captain Symmes, ye safe shall land
Within this shell o' dirty sand,
Where nymphs by spicy gales are fanned,
Send, by express,
Ae chart o' a' the seas ye've spanned,
Wi nae finesse.

We'd ken how high their timbers grow,
Their mountain rise—their rivers flow,
If hurricanes an' driving snow
Their forests crash;
When ocean foams and tempests blow,
If navies dash.

We'd ken how lang their giant sides
(Or short, if pigmy there resides,
If King or Mogul there presides
In unco hollow:
If siller brighten a' their lides,
We fain wou follow.

While lurking there in earth's deep cave,
Some relic o' their countrie save
Of auld lang syne, some fragment crave
To prove their titles;
If they no claim o' countrie have,
We'll whet our whittles.

Spier how stand there the affairs o' Kirk,
If priestcraft plies its misty work,
Or fuddled priest there feels the dirk
O' conscience wounded;
Or gar this little culprit lurk
Wi aye confounded.

If Patriots there, for love of States,
Be crace and rack their powther't pates
To ease the chest o' golden weights
O' public money;
An' clothe their countrie's lanes wi brats,
An' ca' it honey.

When done, guid Captain, hasten hame,
Wi gratefu heart, then Uncle Sam
Shall ring through earth your unco name
Wi lang loud peallings;
An' tribes shall powow off your fame,
Wi rightfu yellings.

CIMON.

FOR THE OBSERVER.

LUKE XXIV. 50.—And he led them out as far as Bethany, and he lifted up his hands and blessed them.

Cheerless and lonely was the day,
When on their way to Bethany
Our Lord's disciples went,
Amid the ever moving throng
Which crowd the busy streets along,
Their pensive course they bent.

Judea's land was wrapt in gloom,
(Prophecy of her final doom,
And Nature seem'd to weep
The mental darkness of the land,
For all e'en to the scepter'd hand
Were sunk in ruin's sleep.

But see the little humble train
Who were to shed the light again
O'er guilty Palestine,
And give to ages yet to come
A lamp to guide the spirit home,
Where heavenly glories shine.

See them with countenance serene,
And quiet undisturbed mien,
Their well known path pursue;
For though affliction pierc'd each breast,
And not a lip in smiles was dress'd,
No clam'rous grief they knew.

A glorious Leader's at their head,
One lately risen from the dead,
But now about to rise
Above the scenes of grief and mirth,
The small and trifling cares of earth,
And claim his native skies.

And he this holy friend and guide,
Was in that hour to leave their side,
And mount a heavenly throne,
To share his father's glories where
The record of his sufferings are,
And leave them here alone.

But nought on earth could e'er efface
The promise of supporting grace,
Which he to them had given,
And which, when mortal life was o'er,
Would aid them to a happier shore,
The peaceful shore of Heaven.

They were the favorites of the Lord,
Chosen to preach his sacred word,
And vindicate his truth,
To calm the weak believer's fear,
And with the gospel hopes to cheer
The hearts of age and youth.

But now the hour of parting's come,
Christ's eyes are turned toward his home,
His hands he lifted too,
And blessed them in his Father's name,
And then to regions whence he came
On airy pinions flew.

OITHONA.

A delicate turn to a delicate Compliment.
Quoth Bet "Since I have thought at all,
I've form'd this steadfast rule,
Let whate'er other ill befall,
Never to wed a fool."

Says Jack "Then nothing can, I fear,
From celibacy save you:
For, take my word for it my dear,
None but a fool would have you."

PROBATE NOTICES.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-sixth day of April, in the year of our Lord eighteen hundred and twenty-five:

SARAH P. GORDON of Fryeburg, named Executrix in a certain instrument purporting to be the last will and testament of HENRY GORDON, late of Fryeburg, in said County, yeoman, deceased, having presented the same for Probate:

ORDERED—That the said SARAH P. GORDON give notice to all persons interested, by causing a copy of this order to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court to be held at Fryeburg, in said County, on the first Tuesday of August next, at ten of the clock in the forenoon, and shew cause, if any they have, why the said instrument should not be proved, approved, and allowed as the last will and testament of said deceased.

BENJAMIN CHANDLER, Judge.

A true copy, attest, THOMAS WEBSTER, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-sixth day of April, in the year of our Lord eighteen hundred and twenty-five:

NATHANIEL ROBINSON and AARON SOULE named Executors in a certain instrument purporting to be the last will and testament of LEVI MERRILL, late of Turner, in said County, testate, deceased, having presented the same for Probate:

ORDERED—That the said Executors give notice to all persons interested, by causing a copy of this order to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court to be held at the Probate Office in Paris, in said County, on the second Tuesday of June next, at ten of the clock in the forenoon, and shew cause, if any they have, why the said instrument should not be proved, approved, and allowed as the last will and testament of said deceased.

BENJAMIN CHANDLER, Judge.

A true copy, attest, THOMAS WEBSTER, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-sixth day of April, in the year of our Lord eighteen hundred and twenty-five:

AARON MASON, Administrator on the estate of CHARLES MASON, late of Bethel, deceased, having presented his first account of administration of the estate of said deceased:

ORDERED—That the said administrator give notice to all persons interested, by causing a copy of this order to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court to be held at the Probate Office, in Paris, in said County, on the second Tuesday of June next, at ten of the clock in the forenoon, and shew cause, if any they have, why the same should not be allowed.

BENJAMIN CHANDLER, Judge.

A true copy, attest, THOMAS WEBSTER, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-sixth day of April, in the year of our Lord eighteen hundred and twenty-five:

MOSES STONE of Jay, Esquire, named Executor in a certain instrument purporting to be the last will and testament of RICHARD MERRITT, late of Livermore, in said County, testate, deceased, having presented the same for Probate:

ORDERED—That the said MOSES STONE give notice to all persons interested, by causing a copy of this order to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court to be held at the Probate Office, in Paris, in said County, on the second Tuesday of June next, at ten of the clock in the forenoon, and shew cause, if any they have, why the said instrument should not be proved, approved, and allowed as the last will and testament of said deceased.

BENJAMIN CHANDLER, Judge.

A true copy, attest, THOMAS WEBSTER, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-sixth day of April, in the year of our Lord eighteen hundred and twenty-five:

BILLY BENJAMIN, Executor of the last will and testament of SAMUEL BENJAMIN, late of Livermore, deceased, having presented his first account of administration of the estate of said deceased:

ORDERED—That the said Executor give notice to all persons interested, by causing a copy of this order to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court to be held at the Probate Office in Paris, in said County, on the second Tuesday of June next, at ten of the clock in the forenoon, and shew cause, if any they have, why the same should not be allowed.—BENJAMIN CHANDLER, Judge.

A true copy, attest, THOMAS WEBSTER, Register.

THE subscriber hereby gives public notice to all concerned, that he has been duly appointed and taken upon himself the trust of Administrator on the estate of SILAS POWERS, late of Howard's Gore, in the County of Oxford, yeoman, deceased, by giving bond as the law directs.—He therefore requests all persons who are indebted to the said deceased's estate to make immediate payment; and those who have any demands thereon, to exhibit the same to

EBENEZER BARTLETT.

Howard's Gore, April 26, 1825. Sw 45

CO-PARTNERSHIP FORMED.

THE subscribers hereby give notice, that they have become co-partners in trade, under the firm of WASHBURN & WILLIAMS, for the purpose of doing business in Livermore and Dixfield.—And intend to keep constantly on hand a good assortment of Domestic, English and West India GOODS, which will be sold on the most liberal terms for cash, produce, or short approved credit.

They also carry on the CARDING and CLOTH-DRESSING BUSINESS, at said Dixfield—best workmen employed; work warranted. House ash, farm produce, or cash, taken for carding and dressing cloth, next winter.

DAVIS WASHBURN, JAMES M. WILLIAMS.

May 2, 1825.

ALL persons indebted to me, whose term of credit expired Jan. 1824, are requested to make payment on or before the first day of June next, as I cannot wait till after June Court.

DAVIS WASHBURN.

May 2, 1825.

STRAY MARE.

TAKEN up by the subscriber on Thursday the 26th ult. a dark gray MARE, supposed to be about 12 years old. The owner is requested to prove property, pay charges, and take her away.

SIMON STEVENS.

Par., May 3, 1825.